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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,805	08/24/2001	Sayling Wen	41937-2001	2169

23562 7590 09/07/2005

BAKER & MCKENZIE
PATENT DEPARTMENT
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DALLAS, TX 75201

EXAMINER

HA, THANH T

ART UNIT PAPER NUMBER

2194

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

87

Office Action Summary

Application No.

09/938,805

Applicant(s)

WEN ET AL.

Examiner

Ha Thanh

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-30 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa (U.S. Patent 6421685).
4. As to claim 1, Nishikawa teaches the invention substantially as claimed including a data exchange system [col. 6, line 11] for exchanging data between two software systems running on a computer having an operating system for maintaining data consistency in a plurality of databases in said two software programs in real-time, said data exchange system comprising:

a first data-exchanging software system operating as an application software under the operating system of said computer and comprising an OS data synchronization module [col. 7, lines 35-47], an OS data exchange module [col. 7, lines 48-51], an OS exchange databank [col. 7, lines 54-56] and an OS standard-format databank [col. 7, lines 50-51]; and

said OS data exchange module accesses information [col. 1, line 41] stored in said AP standard-format databank for comparison with information stored in said OS exchange databank, and said OS data synchronization module synchronizes [col. 1, lines 32-33] said compared information designated by a user of said computer.

5. Nishikawa does not specifically teach a second data-exchange software system in the AP side. However, the data-exchange software system Nishikawa teaches in the OS side comprised all the components in the second data-exchange software system as mentioned above in claim 1.
6. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized that the above teaching modules could be modified to apply to both OS and AP. For example, the data synchronization module can be used in both systems to synchronize data on both sides, the OS and AP side, for coherency. One would be motivated to separate those modules and make them available on both sides for convenience, and data exchanging process could be initiated from either side thereby save time and provide persistency in the system.
7. As to claim 2, Nishikawa teaches wherein said first data-exchanging software system further comprises and OS file access module, said OS data exchange

module accessing said information stored in said AP standard-format databank by accessing said OS file access module for direct access into said AP standard-format databank [col. 7, lines 48-60].

8. As to claim 3, Nishikawa teaches wherein said second data-exchanging software system is a user-friendly application software system incorporating a plurality of simple interfaces for intuitive access by computer users [col. 6, line 22].
9. As to claim 4, Nishikawa teaches wherein said second data-exchanging software system is a user-friendly One-Touch OS application software system [col. 18, lines 4-8] for processing daily-life computer applications for computer users [col. 6, lines 18-20].
10. As to claims 5-14, Nishikawa does not specifically teach wherein said One-Touch OS application software system processes handy personal information including phone numbers and addresses, takes notes, provides communication services, provides chatting service over the Internet, provides access to the World Wide Web over Internet, provides language tutoring to computer users, provides typing tutoring to computer users, provides game playing to computer users, provides multimedia playback.

11. However, it would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized that the One-touch application system disclosed by Nishikawa above could be modified to perform all of the individual task of applicant's claims 5-13, and the tasks as a whole as presented in applicant's claim 14. One of the ordinary skill in the art would have been motivated to adapt the One-touch application system of Nishikawa to perform these tasks in order to provide a variety of services to the user; therefore, making it a more enriching experience and a more all-in-one marketable product.

12. As to claim 15, this claim corresponds to claims 1 and 2. Therefore, it is rejected for the same reason as claims 1 and 2 above.

13. As to claim 16, this claim corresponds to claim 3. Therefore, it is rejected for the same reason as claim 3 above.

14. As to claims 17-30, these are method claims that correspond to system claims 1-14. Therefore, they are rejected for the same reason as claims 1-14 above.

Response to Arguments

15. Applicant's arguments filed 06/27/2005 have been fully considered but they are not persuasive.

16. In the remarks, Applicant argued in substance that:

- a. There is no motivation to modify the teaching of Nishikawa.
- b. Nishikawa fails to teach a second data-exchange software system.
- c. The teaching of Nishikawa would not have motivated to install a second WOLF system on the computer for the reason that installing an additional management program would generally increase processing overhead and could slow down system performance.

17. Examiner respectfully traversed Applicant's remarks:

- a. As to point (a), in response to applicant's argument that there is no motivation to modify the reference, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. Applicant did not give any reason why the cited passages were not read on the claim. Therefore, the arguments are not persuasive.
- b. As to point (b), the motivation for Nishikawa was set forth on the previous office action. In addition, see response to argument point (a) above and paragraph 6 and 7 in the rejection above.

- c. As to point (c), Applicant's claimed invention does not support Applicant's argument. Claimed subject matter, not the specification, is the measure of invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art. If Applicant believes the limitation is important feature of the invention, it should be incorporated into the claims for further consideration. In re Self, 214 USPQ 1,5 (CCPA 9182); In re Priest, 199 USQP 11,15 (CCPA 1978). (i.e. there is no "install a second WOLF system on the computer" in the claim).

18. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ha Thanh whose telephone number is 571-272-7220. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER

Thanh Ha
Examiner
Art Unit 2194